

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



MAR 12 2008

MEMORANDUM FOR KEVIN G. STRICKLIN
Administrator for Coal
Mine Safety and Health

FROM:

GEORGE M. FESAK *George M. Fesak*
Director, Program Evaluation and Information Resources
Chairman, MSHA Fatality Review Committee

EDWARD P. CLAIR *Edward P. Clair*
Associate Solicitor for Mine Safety and Health
Member, MSHA Fatality Review Committee

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Director, Educational Policy and Development
Member, MSHA Fatality Review Committee

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for Director, Technical Support
Member, MSHA Fatality Review Committee

SUBJECT: Fatality Review Committee Decision on Chargeability

Deceased: [REDACTED]

Case No.: C-2007-42

Date of Incident: August 20, 2007

Date of Death: August 20, 2007

Operator: Jim Walter Resources, Inc.

Mine: Mine No. 7

Contractor: Cowin & Co., Inc.

Decision: Not Chargeable

In a unanimous decision, the MSHA Fatality Review Committee has determined that the death of [REDACTED] should not be charged to the mining industry. MSHA's investigation revealed that the deceased, a 42-year old contract drill helper,

was assisting another employee drill holes in a bunker project and was found lying on the ground by a co-worker. MSHA investigators did not find any stray electricity or other environmental factors that could have contributed to [REDACTED] death. The Report of Autopsy lists the Manner of Death as "Natural" and the Cause of Death as "Atherosclerotic Cardiovascular Disease." Based on the Autopsy Report and the results of MSHA's investigation, the committee members concluded that [REDACTED] died from natural causes and his death should not be charged to the mining industry.

cc: Richard E. Stickler
John Pallasch
Robert M. Friend